

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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P.M., Individually and on behalf of J.M., a  
child with a disability, and J.M., individually,

Plaintiff,

v.

ORDER  
08-CV-168A

EVANS-BRANT CENTRAL SCHOOL  
DISTRICT,

Defendant.

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The above-referenced case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b). On September 2, 2008, Magistrate Judge Schroeder filed a Report and Recommendation, recommending that defendant's motion to dismiss be granted in part and denied in part and that plaintiff's motion to amend the complaint be denied as moot.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, defendant's motion to dismiss is granted in part and denied in part and plaintiff's motion to amend the complaint is denied as moot.

The case is referred back to Magistrate Judge Schroeder for further proceedings.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA

CHIEF JUDGE

UNITED STATES DISTRICT COURT

DATED: September 22 , 2008